

**REMARKS**

Claims 14-33 are pending in this application. Fig. 1 is amended. Claims 27-33 and Fig. 5 are added.

The Office Action states that Fig. 1 should be designated by a legend such as --Prior Art--. By this Amendment, "Prior Art" is added to Fig. 1.

In the Office Action, the drawings were objected to based on the assertion that the position of the door or end units of the compartment with respect to the niche (claims 16-22) is not shown in the drawings. By this Amendment, a new Figure 5 is added showing the body of the refrigerating unit ending with its front side flush with the front edge of the furniture niche (claim 16). The features of claims 17-20 are shown in Fig. 3 (inside compartment 14 projects over the front edge 3 of the furniture niche). The features of claim 21 are shown in Fig. 4. Claim 22 is not related to the position of the door or end units of the compartment. As a result, Applicants request that the objection be withdrawn.

In the Office Action, claims 16-22 were rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

Regarding claim 16, Fig. 5 is added showing the body of the refrigerating unit ending with its front side flush with the front edge of the furniture niche. The Office Action asserts that it is unclear how the door is connected if the edge of the compartment is forward of or flush with the front edge of the niche. Applicants direct attention to paragraph 023 of the specification, where it is explained that two arms are attached to front edge 21 of body 6. These arms each have a pin that engages a hole in door 10, which define the pivot point. Paragraph 023 further states that the pivot axis lies outside the niche. This pivot arrangement exists wherever the unit (front edge 21) ends. Applicants respectfully submit that the enablement requirement is met regarding claims 16-20.

Claim 21 states that a decorative end state disposed on the outer side of the door ends flush with the front of neighboring furniture niche. Fig. 4 shows this embodiment. Side cheek 20 ends flush with the front of the niche (see paragraph 027 and Fig. 4).

In the Office Action, claims 16-22 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

Regarding claim 16, Fig. 5 is added showing the body of the refrigerating unit ending with its front side flush with the front edge of the furniture niche. The features of claims 17-20 are shown in Fig. 3 (inside compartment 14 projects over the front edge 3 of the furniture niche).

Claim 21 states that a decorative end state disposed on the outer side of the door ends flush with the front of neighboring furniture niche. Fig. 4 shows this embodiment. Claim 21 does not state that the door itself ends flush the front of the niche (as is asserted in the Office Action). Side cheek 20 ends flush with the front of the niche (see paragraph 027 and Fig. 4). As explained in paragraph 027, an undercut can be provided on side cheek 19 if it is needed to allow the door to pivot.

In light of the above, Applicants request that the rejections be withdrawn.

### **The Claimed Invention**

An exemplary embodiment of the invention, as recited by independent claim 14, is directed to a refrigerating unit for installing in a furniture niche, the refrigerating unit comprising a body and a door that enclose a thermally insulated inside compartment, the door being pivotally mounted to the body for pivotal movement about an axis between an open and a closed position, the door projecting beyond a front edge of the furniture niche when the refrigerating unit is installed in the furniture niche.

Some conventional refrigerating units that are for installing in a furniture niche have a door that is mounted to the furniture niche and not the body of the refrigerating

unit. Other conventional refrigerating units do not have the door projecting beyond a front edge of the furniture niche.

An object of the invention is to provide a built-in refrigerating unit whose built-in location in a furniture front can be easily identified. Another object of the invention is to provide a built-in refrigerating unit where a large volume of the inside compartment can be achieved without loss of insulation quality.

Both of these objects are achieved by a refrigerating unit comprising a body and a door that enclose a thermally insulated inside compartment, the door being pivotally mounted to the body for pivotal movement about an axis between an open and a closed position, the door projecting beyond a front edge of the furniture niche when the refrigerating unit is installed in the furniture niche.

The Office Action rejects all the claims under 35 U.S.C. §102(b) over six different references. However, the Office Action merely states that each reference “teaches a refrigerator unit installed in [or capable of being installed in] a niche. The refrigerator comprises a body and a thermally insulated door.”

As a blanket response to the six rejections, Applicants submit that independent claim 14 (and therefore all the claims that depend from claim 14) includes many features not addressed by the Office Action. Applicants submit that all claims are allowable over the cited references as applied by the Office Action. However, if any of the claims are rejected in the next office action, Applicants request that any such rejection be properly detailed so that Applicants have the opportunity to respond to specific details of the rejection.

In the absence of properly detailed rejections, Applicants have attempted to address the rejections as best as they are understood.

### **The Westfalia Reference**

In the Office Action, claims 14-26 were rejected under 35 U.S.C. §102(b) as

being unpatentable over GB 2 052 249 (Westfalia). Applicants respectfully traverse the rejection.

Claim 14 includes the feature of the door being mounted to the body of the refrigerating unit. In contrast, the door of the refrigerator of Westfalia is mounted to frame member 1 (Fig. 1). As a result, the door in Westfalia is not mounted to the body, as required by claim 14. Claims 15-26 depend from claim 14.

Claim 17 includes the feature of the inside compartment projecting over the front edge of the furniture niche. Westfalia does not disclose an inside compartment of a refrigerating unit projecting over the front edge of a furniture niche. Westfalia also fails to disclose the features of claims 18-20.

In view of the foregoing, Applicants respectfully submit that Westfalia does not disclose each and every feature of claims 14-26 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

#### **The de Marsillac Plunkett Reference**

In the Office Action, claims 14-26 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,079,216 to de Marsillac Plunkett. Applicants respectfully traverse the rejection.

The Office Action does not explain which door of de Marsillac Plunkett it considers to be the claimed door. However, Applicants submit that none of the doors of de Marsillac Plunkett can be the door of claim 14. Outer door 264 cannot be the claimed door because it is not “mounted to the body”. Neither rear door 262 nor front door 260 can be the claimed door because they do not project beyond a front edge of a niche.

Claims 15-26 depend from claim 14.

Claim 17 includes the feature of the inside compartment projecting over the front edge of the furniture niche. de Marsillac Plunkett does not disclose an inside

compartment of a refrigerating unit projecting over the front edge of a furniture niche. de Marsillac Plunkett also fails to disclose the features of claims 18-20.

In view of the foregoing, Applicants respectfully submit that de Marsillac Plunkett does not disclose each and every feature of claims 14-26 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

**The Kleeh Reference**

In the Office Action, claims 14-26 were rejected under 35 U.S.C. §102(b) as being unpatentable over DE 197 45 090 (Kleeh). Applicants respectfully traverse the rejection.

Claim 14 includes the features of the door being mounted to the body and projecting beyond a front edge of the furniture niche. Applicants submit that Kleeh does not show either of these features. Applicants further submit that Kleeh does not even show a door.

Claims 15-26 depend from claim 14.

Claim 17 includes the feature of the inside compartment projecting over the front edge of the furniture niche. Kleeh does not disclose an inside compartment of a refrigerating unit projecting over the front edge of a furniture niche. Kleeh also fails to disclose the features of claims 18-20.

In view of the foregoing, Applicants respectfully submit that Kleeh does not disclose each and every feature of claims 14-26 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

**The Kallus Reference**

In the Office Action, claims 14-26 were rejected under 35 U.S.C. §102(b) as being unpatentable over DE 198 18 814 (Kallus). Applicants respectfully traverse the rejection.

Claim 14 includes the features of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Kallus does not even show a door. Further, Kallus does not show a door that projects beyond a front edge of the furniture niche.

Claims 15-26 depend from claim 14.

Claim 17 includes the feature of the inside compartment projecting over the front edge of the furniture niche. Kallus does not disclose an inside compartment of a refrigerating unit projecting over the front edge of a furniture niche. Kallus also fails to disclose the features of claims 18-20.

In view of the foregoing, Applicants respectfully submit that Kallus does not disclose each and every feature of claims 14-26 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

**The Mun Reference**

In the Office Action, claims 14-26 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,790,146 to Mun. Applicants respectfully traverse the rejection.

Claim 14 includes the features of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in

paragraph 007, “projecting beyond a front edge of the furniture niche” means that the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Mun does not show a door that projects beyond a front edge of the furniture niche.

Claims 15-26 depend from claim 14.

Claim 17 includes the feature of the inside compartment projecting over the front edge of the furniture niche. Mun does not disclose an inside compartment of a refrigerating unit projecting over the front edge of a furniture niche. Mun also fails to disclose the features of claims 18-20.

In view of the foregoing, Applicants respectfully submit that Mun does not disclose each and every feature of claims 14-26 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

### **The Cherry Reference**

In the Office Action, claims 14-26 were rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,358,326 to Cherry. Applicants respectfully traverse the rejection.

Claim 14 includes the features of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Cherry does not show a furniture niche. Further, Cherry does not show a door that projects beyond a front edge of the furniture niche. Cherry specifically states that its invention fills a need for flexible mounting arrangements so that the front of

the refrigerator is essentially even with the front of the adjacent kitchen counters and cabinets.

Claims 15-26 depend from claim 14.

Claim 17 includes the feature of the inside compartment projecting over the front edge of the furniture niche. Cherry does not disclose an inside compartment of a refrigerating unit projecting over the front edge of a furniture niche. Cherry also fails to disclose the features of claims 18-20.

In view of the foregoing, Applicants respectfully submit that Cherry does not disclose each and every feature of claims 14-26 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

### **New Claims**

New claims 27-33 include the features of a door having a protruding edge that protrudes toward the front edge of the body, the door being pivotally mounted to the body for pivotal movement about an axis between an open and a closed position, the door and the body enclose a thermally insulated inside compartment when the door is in the closed position and the protruding edge of the door contacts the front edge of the body, wherein the door is adapted for projecting beyond a front edge of the furniture niche when the refrigerating unit is installed in the furniture niche.

These and other features of claims 27-33 are not taught or suggested by the applied references.



**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 14-33 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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